

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: McKenzie Dean	Team: Squad #14	CCRB Case #: 202100500	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/27/2019 6:06 AM	Location of Incident: § 87(2)(b)	Precinct: 33	18 Mo. SOL 5/27/2021	EO SOL 1/11/2022	
Date/Time CV Reported Sun, 01/03/2021 3:57 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/25/2021 10:45 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Luis Pichardo	476	939226	NARCBMN
2. PO Francis Conejo	6731	954664	NARCBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Trevor Allen	00000	934383	NARCBMN
2. PO William Smith	7381	951282	NARCBMN
3. PO Michael Dappolonia	6766	952637	NARCBMN
4. DT3 Thomas Amato	00543	945134	NARCBMN
5. CPT Raul Maisonet	00000	939385	NARCBMN
6. DT3 Ross Distefano	3084	947738	NARCBMN
7. DT3 Fernando Guerrero	05796	936710	NARCBMN
8. DT3 Rafael Moscoso	1774	954154	NARCBMN
9. DT3 Jose Salcedo	540	934146	NARCBMN
10. PO Rhyan Nelson	6861	956128	NARCBMN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Luis Pichardo	Abuse: Detective Luis Pichardo entered § 87(2)(b) in Manhattan.	
B.DT3 Luis Pichardo	Abuse: Detective Luis Pichardo searched § 87(2)(b) in Manhattan.	
C.PO Francis Conejo	Force: Police Officer Francis Conejo used physical force against § 87(2)(b)	

Case Summary

On January 3, 2021, § 87(2)(b) filed this complaint with IAB over the phone. The complaint was received at the CCRB on January 25, 2021.

On November 27, 2019, at approximately 6:06 AM, Captain Raul Maisonet, Lieutenant Trevor Allen, Detective Luis Pichardo, Police Officer Michael Dappolonia, Police Officer William Smith, Police Officer Rhyen Nelson, Detective Rafael Moscoso, Detective Fernando Guerrero, Detective Ross Distefano, Detective Jose Salcedo, Detective Thomas Amato, and Police Officer Francis Conejo, all of Narcotics Bureau Manhattan North, forcibly entered § 87(2)(b) pursuant to a search warrant (**Allegation A: Abuse of Authority, § 87(2)(g)**) (**Allegation B: Abuse of Authority, § 87(2)(g)**). Police Officer Francis Conejo entered the bathroom inside the apartment, grabbed § 87(2)(b) and allegedly slammed him into the ground (**Allegation C: Force, § 87(2)(g)**).

§ 87(2)(b) and his roommates, § 87(2)(b) and § 87(2)(b) were brought to the 33rd Precinct stationhouse, where they each received summonses for § 87(2)(b) (BR 01). § 87(2)(b)'s other roommate, § 87(2)(b) was arrested for § 87(2)(b), § 87(2)(a) 160.50 (BR 05). As of December 3, 2021, the Office of Court Administration database (OCA) listed no defendant found on file regarding § 87(2)(b)'s arrest (BR 08).

There is no body-worn camera (BWC) footage as Narcotics Bureau Manhattan North was not equipped with BWCs at the time of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Luis Pichardo entered § 87(2)(b) in Manhattan.

Allegation (B) Abuse of Authority: Detective Luis Pichardo searched § 87(2)(b) in Manhattan.

It is undisputed that on November 27, 2019, at approximately 6:06 AM, Detective Pichardo went to § 87(2)(b) in Manhattan and executed a no-knock search warrant for narcotics, evidence of narcotics sale, and drug paraphernalia. Detective Pichardo was the investigating officer of the case. During the search, the officers recovered marijuana from the bedrooms of § 87(2)(b) and § 87(2)(b) and marijuana and heroin from the bedroom of § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) were placed under arrest and removed to the 33rd Precinct stationhouse.

On § 87(2)(b), the Honorable Judge § 87(2)(b) of the Criminal Court of the City of New York signed no knock search warrant #§ 87(2)(b), which authorized officers to enter and search the premises of § 87(2)(b) in Manhattan for cocaine and related paraphernalia between the hours of 6:00 AM and 9:00 PM, without giving prior notice of authority and purpose (BR 02).

New York Criminal Procedure Law §690.30 (BR 17) states that a search warrant must be executed within ten days of the date of issuance and within the hours of 6:00 AM and 9:00 PM. New York Criminal Procedure Law §690.50 (BR 18) states that officers are permitted, when necessary, to use force to enter a dwelling to execute a search warrant.

§ 87(2)(g)

Allegation (C) Force: Police Officer Francis Conejo used physical force against § 87(2)(b).

§ 87(2)(b) stated (**BR 03**) that while he was in the bathroom, the door slammed open, and an officer identified as Police Officer Conejo grabbed him and slammed him to the ground. As § 87(2)(b) fell to the ground, he hit his face on the bathroom sink. § 87(2)(b) cut his lower neck and shoulder on either the sink or the wall as a result of this use of force. Once § 87(2)(b) was on his stomach on the ground, Police Officer Conejo put pressure on § 87(2)(b)'s body and pushed him into the floor. § 87(2)(b) did not seek medical attention in relation to his alleged injuries.

§ 87(2)(b) described the officer who used force against him as an approximately 6'0" tall 35-year-old "cross-eyed" Hispanic male who had a heavy build, brown eyes, and dark hair. Police Officer Conejo's MOS photograph (**BR 24**) described him as § 87(2)(b). § 87(2)(g) Thus, Police Officer Conejo was identified as the subject officer of this allegation.

§ 87(2)(b) stated (**BR 04**) that from her bedroom, she heard officers break open the bathroom door and an officer say, "He's in here." At this point, officers brought § 87(2)(b) out of her bedroom, where she saw officers bringing § 87(2)(b) out of the bathroom. § 87(2)(b) did not recall if § 87(2)(b) was on his feet or on the ground, or how § 87(2)(b) was positioned. § 87(2)(b) did not witness any force used against § 87(2)(b).

§ 87(2)(b) declined to participate in the investigation and contact attempts were made to § 87(2)(b) who was reached, but was ultimately unresponsive (see IAs for contact attempts).

The IAB-CCRB Liaison Unit confirmed that there were negative results for a TRI report prepared for § 87(2)(b) regarding this incident (**BR 28**). § 87(2)(b)'s command log entry lists his physical condition as "apparently normal" and there is no arrest photograph associated with § 87(2)(b) as he was released with a Desk Appearance Ticket per the command log (**BR 25**).

Police Officer Conejo (**BR 12**) denied entering the apartment and explained that his assignment did not involve entering the apartment during a search warrant execution. Police Officer Conejo testified that he did not otherwise have an independent recollection of this incident, but he was assigned to walk-on, which involved standing by the front exterior door of the building while the field team executed the search warrant.

Detective Salcedo (**BR 14**) and Detective Guerrero (**BR 15**) both stated they were assigned to ram during the incident, which involved breaking down the apartment door and securing it while the team executed the warrant. Detective Guerrero stated that hypothetically, if the entry team could not gain entry to a room inside the apartment, then they would call him in to ram the door. Detective Guerrero did not recall if he had to open any doors inside the apartment during this incident and he did not recall a bathroom door being forced open.

Police Officer Conejo, Detective Salcedo, and Detective Guerrero consistently stated they had no knowledge of any force being used against § 87(2)(b) during the incident. Police Officer Conejo denied using any force against § 87(2)(b) himself. Police Officer Conejo specifically denied grabbing § 87(2)(b) slamming him into the ground, and causing him to hit his face on a wall or a bathroom sink.

Detective Pichardo stated (**BR 13**) he was assigned to Bunker #1 security and he was the second officer to enter the apartment behind the officer assigned to Bunker #1. Detective Pichardo did not recall who was assigned to Bunker #1. Detective Pichardo and the officer assigned to Bunker #1 took § 87(2)(b) and § 87(2)(b) into custody in their respective bedrooms, while the rest of the officers secured the other rooms in the apartment. Upon viewing the pre-execution plan (**BR 16**), Detective Pichardo stated that he did not know which team or bunker went into the bathroom.

When Detective Pichardo exited § 87(2)(b) bedroom, § 87(2)(b) was already in handcuffs. Detective Pichardo did not know which officers handcuffed § 87(2)(b).

Detective Pichardo believed someone was inside a bathroom during the incident, but he was not present for this. Detective Pichardo did not recall what happened in the bathroom, any details about the bathroom, or how he knew someone was in the bathroom, and he did not know which officers went into the bathroom. Detective Pichardo stated no force was used against any individuals during the incident.

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 06**).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 21**).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 22**).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 23**).
- Detective Pichardo has been a member of service for 16 years and has been named a subject in six CCRB complaints and 15 allegations, none of which have been substantiated.
 - § 87(2)(g) [REDACTED]
- Police Officer Conejo has been a member of service for eight years and has been named a subject in seven CCRB cases and 16 allegations.
 - 201408446 involves a substantiated allegation of property damage against Police Officer Conejo. The CCRB recommended charges and PO Conejo was found not guilty at trial.
 - § 87(2)(g) [REDACTED]

Mediation, Civil, and Criminal Histories

- This case was unsuitable for mediation § 87(2)(g)
 - According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**BR 07**).
 - According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**BR 08**).
 - According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**BR 09**).
 - According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**BR 10; BR 11**).
 - § 87(2)(b) filed a Notice of Claim with the City of New York claiming assault, battery, false arrest, emotional distress, physical pain and injury, illegal search and seizure, and seeking \$1,000,000 as redress (**BR 26**). There is no 50H hearing scheduled.
 - § 87(2)(b) filed a Notice of Claim with the City of New York claiming property damage and seeking \$3,817 as redress (**BR 27**). There is no 50H hearing scheduled.
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Squad: 14

Investigator:	<u>Inv. Dean</u>	<u>Inv. Dean</u>	<u>12/15/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Cassandra Fenkel</u>	<u>IM Cassandra Fenkel</u>	<u>2/2/2022</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date